



{In Archive} RE: South Plainfield

Sanoff, Robert

to:

'Kautsky, Peter (ENRD)', 'Evans, Rachel (ENRD)', Sarah Flanagan

03/14/2012 05:55 PM

Cc:

"Ettinger, Jonathan"

Hide Details

From: "Sanoff, Robert" <RSS@foleyhoag.com>

To: "'Kautsky, Peter (ENRD)'" <Peter.Kautsky@usdoj.gov>, "'Evans, Rachel (ENRD)'" <Rachel.Evans2@usdoj.gov>, Sarah Flanagan/R2/USEPA/US@EPA,

Cc: "Ettinger, Jonathan" <JME@foleyhoag.com>

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#### 1 Attachment



CDE Claim Amendment.pdf

#### **Confidential -- For Settlement Purposes Only**

I should have CDE's audited financial for 2011 and the last months of unaudited financials by Monday and I'll send them to you under a claim of confidentiality. The proposed Schedule C language looks fine.

I notice that Exhibit E does not list CDE's Midland Insurance Policies. As I think we've mentioned before, Midland has been in an insolvency proceeding for many years. In January, 2012, CDE filed a claim amendment in that insolvency proceeding to update our claims under the two Midland policies (a copy of our filing is attached which we are providing confidentially as part of our settlement discussions). I'm not sure if it matters whether we make a new demand on Midland after the Consent Decree is entered, but I wanted to give you the chance to decide.

CDE has carefully reviewed the financial data you provided about the estimated response costs at the South Plainfield site. In light of that data, CDE is okay with the stipulation amount.

I think Rachel needs to say if the bank's changes on the escrow agreement are ok.

Where are you on the federal party sign off?

What else is left to do?

Best regards,  
Robby

Robert S. Sanoff  
**Foley Hoag LLP**

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**From:** Kautsky, Peter (ENRD) [<mailto:Peter.Kautsky@usdoj.gov>]

**Sent:** Wednesday, March 14, 2012 4:43 PM

**To:** Sanoff, Robert; Ettinger, Jonathan

**Cc:** Evans, Rachel (ENRD); Sarah Flanagan

**Subject:** South Plainfield

Robby and Jon, subject to review and approval by management, we propose the following to address the concern about Appendix C:

## **Appendix C**

### **Insurance Information Provided by Cornell-Dubilier Electronics, Inc.**

#### **1. Insurance Policies**

**CDE has provided copies of all insurance policies in effect from 1959 through September 1, 1983 issued to CDE, and its corporate affiliates, including Federal Pacific Electric Company, UV Industries, Inc. Reliance Electric Company and Exxon Corporation, pursuant to which CDE has sought and/or is seeking coverage for the Site.**

#### **2. Settlement Agreements.**

**CDE has provided copies of all settlement agreements that resolve claims under environmental laws for insurance coverage for the Site or the Site among other sites ("Settlement Agreements"), except when prevented from providing such Settlement Agreements by confidentiality provisions within them, in which case CDE informed EPA of the restrictions on its ability to provide the Settlement Agreements and EPA obtained the Settlement Agreements directly.**

Peter

Peter Kautsky  
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